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Counsel had complied with LR IA 10-2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

MACK VESSELL,)
)
Plaintiff,)
)
v.)
)
)
CAROLYN W. COLVIN,)
Acting Commissioner of)
Social Security,)
)
Defendant.)

CIVIL ACTION NO.
2:15-cv-2449-GMN-PAL

JOINT STIPULATION FOR
ATTORNEY FEES UNDER
THE EAJA

JOINT STIPULATION FOR EAJA FEES

It is hereby stipulated by and between the parties, through their undersigned counsel, subject to the approval of the Court, that the parties have agreed to a compromise settlement of Plaintiff's request for attorney fees in the amount of Six

1 Thousand Six Hundred Fifty Dollars and 00/100 (\$6650.00) and Four Hundred
2 Dollars and 00/100 (\$400.00) in costs to be paid separately from the Judgment Fund.
3 This amount represents compensation for all legal services rendered on behalf of
4 Plaintiff by counsel in connection with this civil action, in accordance with 28 USC
5 §2412(d).
6

7 The Court shall order that the awarded attorney fees be made payable to
8 Plaintiff, Mack Vessell, and delivered to the business address of Plaintiff's counsel.
9

10 EAJA fees awarded by this Court belong to the plaintiff and are subject to
11 offset under the Treasury Offset Program (31 U.S.C. §3716(c)(3)(B) (2006)). *See*
12 *Astrue v. Ratliff*, 130 S.Ct 2521, 2528-29 (2010). Defendant recognizes that Plaintiff
13 assigned her right to EAJA fees to her attorney. If it is determined upon effectuation
14 of the Court's EAJA fee order that Plaintiff does not owe a debt that is subject to
15 offset under the Treasury Offset Program, Defendant agrees to accept the
16 assignment, and fees will be made payable to Plaintiff's attorney. If there is such a
17 debt, any fee remaining after offset will be payable to Plaintiff.
18

19 This stipulation constitutes a compromise settlement of Plaintiff's request for
20 attorney fees under the EAJA, and does not constitute an admission of liability on
21 the part of the Commissioner under the EAJA. Payment of the aforementioned
22 attorney fees shall constitute a complete release from and bar to any and all claims
23 Plaintiff may have relating to attorney fees under the EAJA in connection with his
24 action.
25
26
27
28

This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 USC §406, subject to the provisions of the EAJA.

Respectfully submitted,

Dated: 11/8/16

/s/ Lindsay F. Osterhout

Lindsay F. Osterhout
PHV Attorney for Plaintiff

Dated: 11/8/16

/s/ David Otto

David Otto
Local Counsel for Plaintiff

Dated: 11/10/16

By: /s/ Jennifer Lee Tarn¹
JENNIFER LEE TARN
Special Assistant United States Attorney

¹Permission to use Defendant's counsel's electronic signature was given by email on 11/10/16.

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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE DISTRICT OF NEVADA

5 MACK VESSEL,

6 Plaintiff,

7 v.

8
9 CAROLYN W. COLVIN,
Acting Commissioner of
10 Social Security,

11 Defendant.

)
)
)
) CIVIL ACTION NO.
2:15-CV-2449-GMN-PAL
)
)
)

) ORDER GRANTING
) STIPULATION FOR ATTORNEY
) FEES UNDER THE EAJA
)

12
13 It is hereby ORDERED that the Joint Stipulation for EAJA Fees
14
15 (Docket No. 28) is GRANTED and Plaintiff is awarded \$6,650.00 in
16 attorney's fees and \$400.00 in costs to be paid separately from the
17
18 Judgment Fund. *Astrue vs. Ratliff*, 130 S. Ct. 2521, 2524 (2010), directs
19 that the check should be made payable to Plaintiff and mailed to
20 Plaintiff's Counsel.
21

22 DATED this 9 day of November, 2016.

23
24
25 
26 GLORIA M. NAVARRO, CHIEF JUDGE
27 UNITED STATES DISTRICT COURT
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